

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HERMAN HARRIS, JR.,

Plaintiff,

vs.

Case No. 2:17-cv-872

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

**ARAMARK INCORPORATION,
*et al.,***

Defendants.

REPORT AND RECOMMENDATION

On March 22, 2019, the Court advised Plaintiff that he must effect service of process as to each Defendant within ninety (90) days. (ECF No. 31 (advising further that failure to effect service as to any Defendant could result in the recommendation that the claims against that Defendant be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m)).) On June 21, 2019, Plaintiff was ordered to show cause within fourteen days why the claims against Defendant Brad Gillespie should not be dismissed and why an extension of time to effect service should be allowed. (ECF No. 41.) To date, Plaintiff has not responded to the Court's Show Cause Order. It is therefore **RECOMMENDED** that Plaintiff's claims against Defendant Brad Gillespie be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

IT IS SO ORDERED.

DATED: August 30, 2019

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE